

# ANALYSIS OF PROPOSED CHANGES TO THE ELECTION PROCESS

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City Attorney Anita Hitchcock and City Clerk Joel Hondorp

## 2 REQUESTS FROM TWO ORGANIZATIONS TO CHANGE ELECTION PROCESSES

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### 1. Empower The Citizens (ETC)

- Move city elections from an odd year to even year election schedule

### 2. Grand Rapids Democracy Initiative (GRDI)

- Increase the number of wards from 3 to 8
- Elect one commissioner from each of the 8 wards
- Amend the process for filling the vacancy of a City Commissioner seat

### 3 ANALYSIS OF MOVING THE ELECTION SCHEDULE FROM ODD TO EVEN YEARS

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## 4 ANITA HITCHCOCK CITY ATTORNEY

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- In 2011, Michigan election law was amended to allow a city to change its general election date from odd to even years (Section 642a)
- Section 642a states
  - After December 2011, a city that holds an election annually or in the odd year on the November regular election date *may* change its regular election schedule to the even year general election and the even year primary election by adopting a resolution in compliance with Section 642

## 5 SECTION 642

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A city must comply with these procedural requirements

- The City Commission must adopt a resolution with all of the following

(a) THE RESOLUTION IS ADOPTED BEFORE 1 OF THE FOLLOWING:

- i. If the resolution is permitted under subsection (2), (3), or (4), January 1, 2005
- ii. If the resolution is permitted under section 642a(1), (2), or (4) January 1 of the year in which the change in the date of the election takes effect

(b) BEFORE ADOPTION AT LEAST 1 PUBLIC HEARING MUST BE HELD



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(C) NOTICE MUST BE GIVEN IN A WAY TO MEET THE LARGEST NUMBER OF QUALIFIED ELECTORS

(D) MUST BE ADOPTED BY THE MAJORITY OF THE COMMISSION THROUGH A ROLL-CALL VOTE

(E) RESOLUTION MUST BE FILED WITH THE SECRETARY OF STATE

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Note: The statute itself does not provide any procedure for a citizen initiative to make change. The omission in one part of a statute, which is included elsewhere in the statute should be viewed as intentional. There are other provisions of Michigan election law that permit petitions this is not one of them

## 7 GRAND RAPIDS CITY CHARTER ELECTIONS

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- The Charter provides that the registration of voters, nominations and elections shall be in accordance with the general laws of the state except as herein otherwise provided. (Title III, Section 10).
- The Charter is silent regarding the procedure for changing election dates.
- Thus, state law applies as provided in Sections 642 and 642a of the Michigan Election Law

## 8 GRAND RAPIDS CITY CHARTER CITIZEN INITIATORY PETITIONS

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- Any proposed ordinance may be submitted to the City Commission by petition filed with the City Clerk (Title IV, Sec 1, p. 35)
- The Charter is silent regarding what types of ordinances can be initiated
- The Charter allows *ordinances* to be adopted using petitions but does not specifically address adopting *resolutions* by initiatory petition
- Note: Specific charter provision requiring Michigan Election Law applies when the charter is silent and should control over a general provision allowing for initiatory provisions.



## 9 IN SUMMARY

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- Change of election dates can only be by resolution (Section 642a)
- State law applies where the charter is silent
- The legislature has authorized only the City commission to act by resolution to change the election date
- The City must follow the specific procedures required by state law to change the date of election including reasonable notice of hearing and a roll-call vote

## 10 JOEL HONDORP CITY CLERK

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- Effects of adopting the resolution to change the election year
- Election turnout in past years
- Election costs
- Other cities that have moved from odd to even election year
- Other Considerations

# 11 CURRENT SITUATION

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- 4 Year Terms
- Mayoral Election At-Large - 2019, 2015, 2011, etc.
- Comptroller Election At-Large - 2017, 2013, 2009, etc.
- 2 City Commissioners elected from each ward – staggered terms\*
  - O'Connor (W1), Kelly (W2), Moody (W3) - 2019, 2015, 2011, etc.
  - Reppart (W1), Jones (W2), Lenear (W3) - 2017, 2013, 2009, etc.
- Library Commission (7) – 6 Year Terms Staggered 3 per, 2 per, 2 per

\*Name of current commissioners are used to identify positions.

# 12 EFFECTS OF PASSING A RESOLUTION IN 2019

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- Resolution takes effect December, 31, 2019.
- No City Elections held in 2020 or 2021
- 4 Year Terms
- Mayoral Election At-Large – 2024, 2028, etc. (Presidential)
- Comptroller Election At-Large - 2022, 2026, etc. (Gubernatorial)
- 2 City Commissioners elected from each ward – staggered terms
  - O'Connor (W1), Kelly (W2), Moody (W3) - 2024, 2028, etc. (Presidential)
  - Reppart (W1), Jones (W2), Lenear (W3) - 2022, 2026, etc. (Gubernatorial)
- Library Commission (7) – 6 Year Terms Staggered 3 per, 2 per, 2 per

\*Name of current commissioners are used to identify positions.

## 13 ELECTION COSTS

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- In Odd year elections – The City pays for ballots and supplies
- In Even year elections – The County pays for ballots and certain Election supplies.
- In all Elections – The City pays Election Inspectors, Temporary Staff, Postage and certain Election Supplies
- 2017 August and November Election Costs were about \$174,000.



## 14 ELECTION TURNOUT

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Election		Voted	Percent	Top	Under	County Com.	Under	Proposal	Under
November, 2013	Comptroller	16,144	12.11	14,759	1,385				
November, 2016	Pres. General	85,483	63.05	84,755	728	66,690	9,710	74,083	11,400

# 15 ELECTION TURNOUT

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## 16 MICHIGAN CITIES WITH EVEN YEAR ELECTIONS

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Wyoming	Ypsilanti
Walker	Utica
Rockford	Owosso
Ann Arbor	Niles
Saginaw	Port Huron
Battle Creek	Hastings
Midland	Wayne County (6)
Ludington	Oakland County (4)

## 17 OTHER CONSIDERATIONS

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- City Offices will be near the end of an already long ballot for Federal and State Elections.
- Voter drop off from top of the ticket.
- All 1240 Townships are on the Presidential Ballot. All School Boards are on November Ballots. Several Cities have moved to Even Year Elections.
- Election Inspectors could have lapses in election administration experience.
- Turnout at city odd year elections has been low. Being on the ballot with Federal and State Elections will increase participation.
- Budget savings of about \$174,000.

## 18 ANALYSIS OF EXPANDED WARDS AND CHANGING COMMISSIONERS PER WARD

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## 19 Charter Amendment vs. Charter Revision

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- Increasing the number of wards from three (3) to eight (8) would be accomplished by a charter amendment.
- A proposed charter amendment shall be confined to one (1) subject. If the subject of a charter amendment includes more than one (1) related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition.

## 20 Inconsistent Proposals and Withdrawal of Proposals

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- If the provisions of two or more ordinances or measures adopted or approved at the same election be inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail insofar as it or its provisions are inconsistent with the other ordinance or ordinances adopted or approved.
- A proposal cannot be withdrawn after the August 13 deadline.

## 21 Procedural Steps (City Commission or Initiative)

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- City Charter amendment may be proposed to the voters by a  $\frac{3}{5}$  vote of the City Commission or initiatory petition. This action must set the date for the election on the issue at least 60 days prior to the election if it was proposed by the City Commission. If amendment is proposed by an initiatory petition the date should be 90 days prior to the election.
- The City Clerk must send a copy of the proposed amendment to the Governor for approval.
- The City Clerk must send a copy of the “Statement of Purpose” of the proposed amendment to the Attorney General before being printed.
- If the Governor objects, the objection shall be noted. Needs a  $\frac{2}{3}$  City Commission agreement to pass it and then submitted to the voters.
- If by initiatory petition, it shall be submitted to the electors notwithstanding such objections.

## 22 Procedural Steps (City Commission or Initiative)

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- The City Clerk shall publish the proposed charter amendment in full with the existing charter, noting what would be altered or repealed by the proposed amendment.
- The City Clerk shall certify wording of the proposed charter amendment, and shall certify the ballot wording to the County Clerk at least 82 days before the election. Petitions to place a question on the ballot regarding county or local issues must be filed with the clerk at least 14 days before the date the ballot wording must be certified by the City Clerk.
- The City Clerk shall publish notice of the election time and place the election is to be held, the offices to be filled, and the proposals to be submitted to the voters. This shall be published in a newspaper published, or of general circulation.
- Election Day
- If the proposed charter amendment is approved by the voters, the City Clerk will supply 2 (two) printed copies, both certified by the City Clerk within 30 (thirty) days after the vote is taken. These are to be filed with the Secretary of State and the County Clerk. This action make the amendment effective.



## 23 Other Considerations

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- Increased cost for two more City Commissioners (salaries, benefits, offices)
- One Commissioner per ward. Commissioners supporting each other could diminish.
- Reapportionment for Congress, State Senate, State House, County Commission in 2022. Precinct and Ward Realignment would happen in conjunction with reapportionment and then expand wards in 2024. And do the process all over. There would be costs to mailing I.D. cards twice within two years and also potential voter confusion.
- Need to minimize splits in precincts due to boundary changes. Multiple ballot styles in precincts leads to voter confusion.



## 24 Other Considerations

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- Each Commissioner would represent a smaller constituency. 70,000 vs. 26,250 (8 Wards) or 35,000 (6 Wards).
- Population growth in certain areas could lead to unintended consequences on ward distribution.

## 25 U.S. Cities close to Grand Rapids Population.

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- Amarillo, Texas (5)  
Mayor and 4 At-Large
- Mobile, Alabama (7) 7 Districts
- Huntington Beach, California (7) 7 At-Large
- Glendale, California (5) 5 At-Large
- Salt Lake, Utah (7) 7 Districts
- Tallahassee, Florida (5) Mayor and 4 At-Large
- Huntsville, Alabama (5) 5 Districts
- Worcester, Massachusetts (11) Mayor, 5 At-Large, 5 Districts
- Knoxville, Tennessee (9) 6 Districts and 3 At-Large

# 26 Michigan's 10 Largest Cities

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• Detroit (9) At-Large, 7 Districts	2
• Grand Rapids (7) Large, 6 (2 per 3 Wards)	Mayor At-
• Warren (9) At-Large, 7 Districts	2
• Sterling Heights (7) Mayor 6 At-Large (2 Yr Terms)	
• Ann Arbor (11) Mayor, 10 (2 per 5 Wards)	
• Lansing (8) At-Large, 4 Wards	4
• Flint (9) Wards	9
• Dearborn (7) At-Large	7
• Livonia (7)	7